

## 21 C.J.S. Courts § 144

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### Courts

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### IV. Terms and Sessions

#### B. Terms

#### 2. Extension or Adjournment of Terms

### § 144. Ending of term by final adjournment

[Topic Summary](#) | [References](#) | [Correlation Table](#)

#### West's Key Number Digest

West's Key Number Digest, [Courts](#)  66(1) to 66(6), 66.1

**Generally, a term is ended when it is adjourned finally or sine die or is continued or adjourned without fixing a time to reconvene.**

Despite some authority to the contrary with regard to an adjournment subject to call,<sup>1</sup> and a failure to adjourn to a specific time,<sup>2</sup> the rule adopted under some decisions is that a term is ended when it is adjourned finally or sine die or is continued or adjourned without fixing a time to reconvene.<sup>3</sup> On the other hand, an adjournment to a later day in the term does not end the term or deprive the judges of control over the proceedings.<sup>4</sup> Furthermore, the declaration of a recess by the judge does not terminate the term,<sup>5</sup> and the court does not have jurisdiction to hear and determine a motion for a new trial after the term of a special court has ended.<sup>6</sup>

#### *Adjourned term.*

Although there is authority for the view that an adjourned term is a distinct and separate term,<sup>7</sup> other courts have determined that a legally adjourned term of court is not a distinct, independent term but is rather regarded as a continuance or part of the same term.<sup>8</sup>

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Footnotes

- 1 Kan.—*State v. Langmade*, 101 Kan. 814, 168 P. 847 (1917).
- Okla.—*Boaz v. Martin*, 1924 OK 398, 101 Okla. 243, 225 P. 516 (1924).
- 2 Ky.—*Wood Oil Co. v. Commonwealth*, 196 Ky. 196, 244 S.W. 429 (1922).
- 3 Me.—*Ingraham v. Berliawsky*, 128 Me. 307, 147 A. 227 (1929).
- 4 Mo.—*Tucker v. Burford*, 95 S.W.2d 866 (Mo. Ct. App. 1936).
- 5 Ky.—*Wood Oil Co. v. Commonwealth*, 196 Ky. 196, 244 S.W. 429 (1922).
- 6 Miss.—*Checkers Drive-In Restaurants, Inc. v. Mississippi Transp. Com'n*, 755 So. 2d 1238 (Miss. Ct. App. 2000).
- 7 Tenn.—*State v. Mayo*, 157 Tenn. 339, 8 S.W.2d 477 (1928).
- 8 Ala.—*Martin v. State*, 22 Ala. App. 191, 113 So. 452 (1927).
- W. Va.—*State v. Roane County Court*, 102 W. Va. 327, 135 S.E. 174 (1926).